



# IS AN ASSESSMENT PLAN NECESSARY?

## GUIDELINES FOR SPECIAL EDUCATION SERVICE PROVIDERS BASED ON ANALYZING THE PRINCIPLES OF COLLECTING NEW DATA VS. REVIEWING EXISTING DATA

*Diana Browning Wright  
California Department of Education, Diagnostic Center South*

When students are observed, interviewed or tested, school staff must consider whether parental informed consent for those assessment procedures are required. The following guidelines may be helpful in analyzing typical school scenarios in which a decision as to whether development of an assessment plan is necessary.

### GENERAL PRINCIPLES

- **Yes**, informed consent via parental signature on an assessment plan is necessary  
---when **“collecting new data”**
- **No**, consent is not required each time staff review outcomes of instruction/strategies and interventions  
---when **“reviewing existing data”**

### EXAMPLES OF “ASSESSMENT” AND DECISIONS

- **OBSERVATIONS EXAMPLE - individual**  
**No, assessment plan/informed consent is not necessary**—an observation in a classroom setting is requested for an individual student. A suspected disability is NOT the issue. At a school team meeting, the teacher and parent request an informal observation by school psychologist/special education teacher or other support personnel in order to further understand the student’s performance/behavior/social skills, or other issues. No disability is suspected.  
(*Review of existing data—Student’s current classroom performance.*)
- **OBSERVATIONS EXAMPLE - individual**  
**Yes, assessment plan/informed consent is required**—an observation of an individual student is requested in which a suspected disability is the issue. Teacher believes student may have a mental or medical disorder (e.g., AD/HD or Tourette’s Syndrome) requiring referrals and parents are not yet aware of the concern. The observation is to collect data on behaviors suggestive of a disability. (*Collecting new data—Does she have a disability?*)

- ***OBSERVATIONS EXAMPLE - whole group***  
**No, assessment plan/informed consent is not necessary**—teacher has requested observation of entire class for suggestions on accommodating diverse learners/diverse behavioral challenges. She has mentioned several students she is concerned about.  
*(Review of existing data—How the class is performing?)* Note: follow-up individualized data collection about a student who appears to need more assistance, conducted by special education personnel, would require informed consent.
  
- ***OBSERVATIONS EXAMPLE - individual***  
**No, assessment plan/informed consent is not necessary**—follow-up observation of how the teacher is progressing in providing the supports and how the student is responded to an IEP team generated curricular accommodation plan or on a behavior support plan is requested. The parents are aware of the plan(s) and are receiving ongoing communication on progress.  
*(Review of existing data—How is the teacher’s implementation and student’s response to interventions progressing?)*
  
- ***TESTING EXAMPLE - individual***  
**Yes, assessment plan/informed consent is required**—an individual assessment will compare this individual to a norm-referenced group in an area of “suspected disability” such as emotional disturbance utilizing the BASC (social emotional issues), or learning disability utilizing the WIAT (academic levels).  
*(Collecting new data—Does he have a disability?)*
  
- ***TESTING EXAMPLE - whole group***  
**No, assessment plan/informed consent is not necessary**—whole class is screened for acquisition of a criterion-referenced skill (e.g., ability to decode “oi”; ability to sound blend; pronunciation of words)  
*(Review of existing data—How this class is progressing? Is any further assessment needed?)* Note: more in-depth individualized assessment following this screening, where disability is suspect, would be gathering new data and would require consent.
  
- ***TEACHER ADMINISTERED ASSESSMENTS OF THE STUDENTS’ PROGRESS TOWARDS STANDARDS MASTERY OF STUDENTS THAT S/HE TEACHES***
  - **No, assessment plan/informed consent is not necessary**  
Teacher keeps data on which skills her students have mastered and makes decisions on instruction needs based on that data when she reviews her records. This is part of the on-going teacher/student relationship, is criterion-referenced and does not require informed consent at each step. Quizzes, tests and informal observation data are collected. Parent is informed of progress toward meeting standards and/or IEP goals and objectives through regular district reporting procedures and IEP team meetings.  
*(Reviewing existing data—How is student progressing and what are next-step teaching needs?)*

➤ **Yes, assessment plan/informed consent is required**

Teacher elects to use a norm-referenced test of achievement to establish standard scores/percentiles and other comparisons to a norm group as a measurement of progress for an annual IEP team meeting.

*(Collecting new data—Is the disability more/less apparent in comparison to peers?)*

- **ASSESSMENT TO DEVELOP A BEHAVIOR PLAN**

➤ **No, assessment plan/informed consent is not necessary**

During an IEP team meeting, a discussion as to whether the student has “behavior impeding learning” occurs. IEP team decides, yes, he does, and positive behavioral interventions strategies and supports are decided upon and these are written into a behavior support plan during the meeting, with parent(s) in attendance. During this discussion, participants describe the behavior(s) and a hypothesis as to the function of the behavior (an informal type of Functional Behavioral Assessment) is determined based on participants’ reports.

*(Review of existing data—team members’ knowledge of predictors of the behavior)*

➤ **YES, assessment plan/informed consent is required**

A classroom observation has determined that a student with an IEP may require a behavior plan for serious ongoing behavior. Data is necessary as to what has already been tried, effects of medication, exact nature of any disabilities, function(s) of the problem behavior, etc. for this complex student with complex behaviors.

*(Collecting new data—exchange of information across sites/providers will be necessary prior to an IEP meeting to develop a behavior plan—informed consent is essential)*

- **TO ASSESS A THREAT THAT HAS BEEN MADE BY A STUDENT**

➤ **No, assessment plan/informed consent is not necessary**

A student with an IEP reportedly threatens to assault his peers after school. The school counselor or psychologist or principal (members of the school’s threat assessment and safety team) interview the student to determine the student’s needs and the needs for safety provision for any potential victims, including whether law enforcement will be involved. (This is not a special education evaluation. Assessment is necessary to determine safety and support needs. No assessment plan necessary)

➤ **YES, assessment plan/informed consent is required**

A student (with or without an IEP) has been interviewed (threat assessment) following a threat to harm others. The parent(s) have been interviewed as well, and disciplinary action (suspension) has also occurred. It was determined in the initial threat assessment interview that the threat was substantive and that a full mental health interview (by school psychologist or other site-based mental health service providers) is necessary to determine the student’s status and support needs and any necessary referrals.

*(Collecting new data—suspected emotional support needs. Informed consent for further data collection is needed. If parents will not consent, principal/district determine whether the student is “dangerous” and can not return to school until further assessment is complete.)*